

REMARKS

Claims 1-6 and 8-9 are pending in the application.

Claims 1-6 and 8-9 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Pontoglio (US 4,381,392).

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection in view of the following comments.

I. The rejection under § 102(b) is not supported.

As an initial matter, the rejection is stated as an anticipation rejection under § 102(b), which would require Pontoglio to disclose each and every feature of the claims. This is clearly not the case, since Pontoglio does not disclose a pump gasket.

Thus, the rejection under § 102(b) should be withdrawn accordingly.

II. A rejection based on obviousness is not supported.

Although a rejection under § 103(a) has not been officially stated, the Office Action alleges that it would have been *obvious* to use a pump gasket in the method of Pontoglio because Pontoglio discloses spraying into solvent which would at least suggest a pump gasket to one of ordinary skill in the art “in order to accomplish the prior art spraying”.

Applicant respectfully disagrees with this rationale because Pontoglio only discloses the use of ethanol (ethyl alcohol) in Example 1, wherein the rubber is in *powder* form.

The powdered rubber is submitted to a pretreatment wherein the powdered rubber solution is sprayed into hot water (see col. 2, lines 66-67).

After the pretreatment, the powdered chlorinated rubber is pulverized and receives the ethanol treatment: ethyl alcohol *vapour* is passed through the pulverized powdered rubber (see col. 3, lines 1-5).

Thus, the claimed invention differs from Pontoglio's Example 1 by at least the following features:

- 1) a pump gasket is provided in claim 1 but only a powdered rubber is provided in Pontoglio; and
- 2) the pump gasket is immersed in ethanol in claim 1, while an ethanol vapour is passed through the powdered rubber in Pontoglio; that is, in claim 1 the ethanol is in liquid form, whereas in Pontoglio it is in gaseous form.

These are two major distinctions between Pontoglio and the method according claim 1, and thus, one of ordinary skill in the art would not have thought to have simply used a pump gasket in Pontoglio "to accomplish the prior art spraying".

The fact that the pretreatment of the powdered rubber in Pontoglio's Example 1 mentions spraying would not have led one of ordinary skill in the art to think that the powdered rubber could be replaced by a rubber gasket. Pontoglio pulverizes the powdered chlorinated rubber, which is nonsensical for a treatment of a pump gasket.

There is simply no rationale based on Pontoglio, which is clearly limited to treatment of rubber in *powder form* (see col. 1, lines 54-55; col. 2, line 35 & line 50; all the examples; claims 1, 4, 5 & 7), and to ethanol in *gaseous form* (see col. 1, lines 57-59; example 1; claim 1), to modify the Pontoglio treatment to arrive a method which includes immersion of a pump gasket in an ethanol solvent.

Thus, claim 1 is believed patentable.

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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